

REMARKS

This application, as filed, contained claims 1-5. Claim 3 has currently been amended. Claims 1-5 are currently pending in this application.

Claim 3 has been amended to delete feature i), and for the sake of improved clarity. Support for the amendments made to claim 3 is provided throughout the specification, and, in particular, by Examples 1-2 and 5.

Rejection under 35 U.S.C. 102

Examiner has rejected claim 3 under 35 U.S.C. 102(b) as being anticipated by Ward et al. (U.S. Patent No. 4,428,862). Specifically, Examiner alleges that the light naphtha fraction of Ward would have less than 50% of its components evolving at temperatures above 538°C. Applicant has addressed Examiner's rejection by amending claim 3 to delete feature i). It is respectfully submitted that Ward does not teach or suggest the liquid product claimed in amended claim 3. Examiner is, therefore, respectfully requested to withdraw the rejection against claim 3.

Rejections under 35 U.S.C. 103

Examiner has rejected claim 1 under 35 U.S.C. 103(a) as being unpatentable over Freel et al. (U.S. Patent No. 5,792,340) in view of Ikura et al. (U.S. Patent No. 5,120,428). Specifically, Examiner has indicated that it would have been obvious to use the Saskatchewan heavy oil disclosed in Ikura et al. in the method of Freel et al. to produce the upgraded heavy oil of claim 1. Examiner alleges that the resulting product would inherently have the same characteristics as presently claimed in claim 1, saying that the same feed would be treated in the same process under the same conditions. Applicant respectfully traverses Examiner's rejection. Freel et al.

①
does not particularly teach or suggest the use of Saskatchewan heavy oil. Furthermore, Ikura et al. does not specifically teach or suggest the use of rapid thermal processing to upgrade a Saskatchewan heavy oil. ②
As a result, there would be no motivation for one skilled in the art to combine the teaching of Freel et al. and Ikura et al. to arrive at the claimed upgraded heavy oil of claim 1. Examiner is, therefore, respectfully requested to withdraw the rejection against claim 1.

Examiner has rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Freel et al. (U.S. Patent No. 5,792,340) in view of Ignasiak et al. (U.S. Patent No. 5,338,322).

Specifically, Examiner has indicated that it would have been obvious to use the Athabaska bitumen disclosed in Ignasiak et al. in the method of Freel et al. to produce the upgraded bitumen of claim 2. Examiner alleges that the resulting product would inherently have the same characteristics as presently claimed in claim 2, saying that the same feed would be treated in the same process under the same conditions. Applicant respectfully traverses Examiner's rejection. Freel et al. does not particularly teach or suggest the use of Athabaska bitumen. ③
Furthermore, Ignasiak et al. does not specifically teach or suggest the use of rapid thermal processing to upgrade Athabaska bitumen. ④
As a result, there would be no motivation for one skilled in the art to combine the teaching of Freel et al. and Ignasiak et al. to arrive at the claimed upgraded bitumen of claim 2. Examiner is, therefore, respectfully requested to withdraw the rejection against claim 2.

Examiner has rejected claims 4-5 under 35 U.S.C. 103(a) as being unpatentable over Freel et al. (U.S. Patent No. 5,792,340). Specifically, Examiner alleges that it would be obvious to one of ordinary skill in the art to have separated a VGO fraction from a liquid product, and use the separated fraction in the method disclosed in Freel et al. Examiner alleges that the resulting product would inherently have the same characteristics as presently claimed in claims 4 and 5,

saying that the same feed would be treated in the same process under the same conditions.

Applicant respectfully traverses Examiner's rejection. Freel et al. does not particularly teach or suggest the use of VGO fraction in the disclosed method. As a result, there would be no motivation for one skilled in the art to use a VGO fraction in the method disclosed in Freel et al. to arrive at the claimed VGO of claims 4-5. Examiner is, therefore, respectfully requested to withdraw the rejection against claims 4-5.

CONCLUSION

Should the Examiner believe that anything further is desirable in order to place the application in better condition for allowance, the Examiner is invited to contact the Applicant's undersigned attorney at the telephone number listed below.

Respectfully Submitted,

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